



ADMINISTRATION AND  
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE  
1950 DEFENSE PENTAGON  
WASHINGTON, DC 20301-1950

February 12, 2008

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT  
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter Consultation – Advisory Council on Dependents' Education Charter Renewal

The Under Secretary of Defense for Personnel and Readiness has requested the charter for the Advisory Council on Dependents' Education be renewed (Attached).

The Department of Defense, pursuant to the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended) and 41 CFR, § 102-3.60, has carefully reviewed the Under Secretary's, and has determined that renewing the charter for this non-discretionary federal advisory committee is in the best interest of the Department of Defense and the American public.

The Department of Defense has further determined that this non-discretionary advisory committee is essential to DoD's mission, and that no other DoD or Executive Branch advisory committee can meet these needs. The Council, through its membership, continues to provide independent advice to the Department of Defense and DoD's overseas dependent schools.

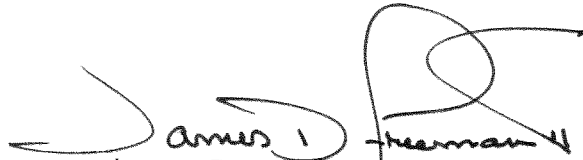
Section 929(a) of title 20, United States Code determines the make-up of the Council and the number of committee members. Individuals, appointed by the Secretary of Defense, who are not full-time employees shall serve as Special Government Employees under the authority of 5 U.S.C. § 3109.

Pursuant to 20 U.S.C. § 929(d), members of the Council who are not full-time or permanent part-time employees of the federal government shall be entitled to compensation at the daily equivalent of the rate specified at the time of such service for level IV of the Executive Services under 5 U.S.C. § 5315. All Council members, while on official Council business, shall be entitled to compensation for travel and per diem.

The committee is authorized to establish subcommittees, and the committee, to include any subcommittees, will operate under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b, as amended), and 41 CFR, Parts 102-3 through 102-3.185.

Prior to submitting a Federal Register notice and subsequently filing the committee's charter with the Library of Congress and the appropriate congressional committees, the Department of Defense respectfully requests that the Committee Management Secretariat review and approve the charter (attached). The charter has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter please contact me at 703-601-2554, extension 128.



James D. Freeman II  
Deputy Committee Management  
Officer for the Department of Defense

2 Attachments  
As stated

TAB 1



PERSONNEL AND  
READINESS

**UNDER SECRETARY OF DEFENSE**  
4000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-4000

FEB 5 2008

**MEMORANDUM FOR DIRECTOR, ADMINISTRATION AND MANAGEMENT  
(DA&M)**

**SUBJECT:** Advisory Council on Dependents' Education (ACDE) Charter Renewal

**References:** (a) 20 USC 929, "Advisory Council on Dependents' Education"  
(b) 41 CFR 102-3, "Federal Advisory Committee Management"  
(c) DoD Instruction 5105.04, "Department of Defense Federal Advisory Committee Management Program," August 6, 2007

In accordance with reference (c), paragraph E3.4.6, herewith is submitted for your approval the request for renewal of the charter for the Department of Defense Education Activity (DoDEA) Advisory Council on Dependents' Education (ACDE). The ACDE is currently chaired by Mr. Michael Dominguez, Principal Deputy Under Secretary of Defense for Personnel and Readiness (PDUSD(P&R)) and Mr. Raymond Simon, Deputy Secretary, U.S. Department of Education.

In the last 2 years, the Council clearly accomplished its mission in recommending general policies for the operation of the DoD overseas school system, provided information and insights from the Department of Education regarding educational programs and practices found to be effective, and advised the Director, DoDEA on the various studies and surveys conducted by and about DoDEA.


Council members provided invaluable independent observations and opinions directly to senior DoD leadership, resulting in changes to programs in support of DoDEA's goal of maintaining the highest student achievement. These members include the Chiefs of Staff of the European and Pacific Commands, parents of students in the DoD overseas schools, and recognized educational experts from major universities and corporations. The Council should be continued to provide invaluable insights and recommendations, and to effect its statutory mandate in reference (a).

Since the previous Council charter was renewed in February 2006, the Council has recommended improvements to major agency initiatives through analysis of academic performance data and on-site observations. Some of the more noteworthy recommendations include: (1) improvements in the High School Initiative, a 5-year program objective to improve system-wide academic consistency and rigor at 59 high schools, (2) improvements to the Special Education Initiative, a program objective to enhance services provided to DoD overseas school system students with special needs,



and (3) enhanced school counseling services, especially in military communities with high forward deployment rates. The committee also provides invaluable insights into the effects on DoD dependent students and CONUS local educational authorities of the impending Global Defense Posture Realignment (GDPR) and the Base Realignment and Closure (BRAC) commission decisions.

Because of the unique character and specific K-12 educational focus of the ACDE, its function could not be absorbed by any existing DoD advisory committee, nor could its function be adequately performed with only in-house resources. The statutorily required membership of the ACDE clearly contemplates its representation, including representatives from outside of DoD who have expertise in the field of elementary and secondary education. Discontinuing the Council would be contrary to law and would remove an independent advisory body that provides candid, unadorned observations to senior DoD leadership on the operation of the overseas school system providing notable quality-of-life services to military families.



David S. C. Chu

TAB 2

CHARTER  
ADVISORY COUNCIL ON DEPENDENTS' EDUCATION

- A. Official Designation: The Committee shall be known as the Advisory Council on Dependents' Education (hereafter referred to as the Council).
- B. Objectives and Scope of Activities: The Council, under the provisions of 20 U.S.C. § 929 and the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), shall provide independent advice and recommendations to the Director, Department of Defense Education Activity on: (a) general policies for operation of the DoD dependents' education system with respect to curriculum selection, administration, and operation of the system; (b) information from other federal agencies concerned with primary and secondary education with respect to education programs and practices which such agencies have found to be effective and which should be considered for inclusion in the DoD dependents' education system; (c) on the design of the study and the selection of the contractor referred to in 20 U.S.C. § 930(a)(2); and (d) other tasks as may be required by the Secretary of Defense.

Pursuant to Deputy Secretary of Defense memorandum, dated May 11, 2006, the Under Secretary of Defense (Personnel and Readiness) and the Principal Deputy Under Secretary of Defense (Personnel and Readiness) are delegated the authority and assigned the responsibilities of the Secretary of Defense contained in 20 U.S.C. § 292. This Under Secretary of Defense (Personnel and Readiness) or the Principal Deputy Under Secretary of Defense (Personnel and Readiness) may further delegate this authority in writing.

- C. Council Membership: The Council, pursuant to 20 U.S.C. § 929(a), shall be comprised of no more than sixteen members who have demonstrated an interest in the field of primary or secondary education and who shall include: (a) the Secretary of Defense and the Secretary of Education or their respective designees; (b) representatives of professional employee organizations, school administrators, and parents of students enrolled in the DoD dependents' education system, and one student enrolled in such system; and (c) a representative of the Secretary of Defense and of the Secretary of Education.

Individuals appointed to the Council from professional employee organizations shall be individuals designated by those organizations. Pursuant to 20 U.S.C. § 929(d), members of the Council who are not full-time or permanent part-time employees of the federal government shall be entitled to compensation at the daily equivalent of the rate specified at the time of such service for level IV of the Executive Services under 5 U.S.C. § 5315. All Council members, while on official Council business, shall be entitled to compensation for travel and per diem.

Council members appointed by the Secretary of Defense, who are not full-time or permanent part-time employees of the federal government, shall be appointed as Special Government Employees under the authority of 5 U.S.C. § 3109, and their appointments shall be renewed by the Secretary of Defense on an annual basis.

The Secretary of Defense and the Secretary of Education or their designated representatives, shall serve as the Council's co-chairs.

- D. Council Meetings: The Council shall meet at the call of the Council's Designated Federal Officer, in consultation with the co-chairs, and the estimated number of Council meetings is two per year.

The Designated Federal Officer shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. In addition, the Designated Federal Officer shall attend all Council and subcommittee meetings.

The Council shall be authorized to establish subcommittees, as necessary and consistent with its mission, and these subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Sunshine in the Government Act of 1976 (5 U.S.C. § 552b, as amended), and other appropriate Federal regulations.

Such subcommittees or workgroups shall not work independently of the chartered Council, and shall report all their recommendations and advice to the Council for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Council nor can they report directly to the Department of Defense or any Federal officers or employees who are not Council Members.

- E. Duration of the Council: The need for this advisory function is on a continuing basis; however, it is subject to renewal every two years.
- F. Agency Support: The Department of Defense, through the Under Secretary of Defense (Personnel and Readiness) and the Director, Department of Defense Education Activity, shall provide support as deemed necessary for the performance of the Council's functions, and shall ensure compliance with the requirements of 5 U.S.C., Appendix, as amended.
- G. Termination Date: The Council shall terminate upon repeal of the legislation authorizing the Council.
- H. Operating Costs: It is estimated that the annual operating costs, to include travel costs and contract support, for this Council is \$200,000.00. The estimated annual personnel costs to the Department of Defense are .50 full-time equivalents.
- I. Recordkeeping: The records of the Council and its subcommittees shall be handled according to section 2, General Records Schedule 26 and appropriate DoD policies and procedures. These records shall be available for public inspection and copying, subject to the Freedom of Information Act of 1966 (5 U.S.C. § 552, as amended).
- J. Charter Filed: